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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

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9 Alfredo Lerma,

No. CV-24-01148-PHX-DLR

10 Petitioner,

ORDER

11 v.

12 Ryan Thornell, et al.,

13 Respondents.

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15 Before the Court is Petitioner Alfredo Lerma’s amended Petition under 28 U.S.C. §
16 2254 for a Writ of Habeas Corpus (Doc. 7) and United States Magistrate Judge Eileen S.
17 Willett’s Report and Recommendation (“R&R”) (Doc. 21). The R&R recommends that
18 the Court deny and dismiss the amended petition with prejudice. The Magistrate Judge
19 advised the parties that they had fourteen days to file objections to the R&R and that failure
20 to file timely objections could be considered a waiver of the right to obtain review of the
21 R&R. *See United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). Neither
22 party filed objections, which relieves the Court of its obligation to review the R&R. *See*
23 *Reyna-Tapia*, 328 F.3d at 1121; *Thomas v. Arn*, 474 U.S. 140, 149 (1985) (“[Section
24 636(b)(1)] does not . . . require any review at all . . . of any issue that is not the subject of
25 an objection.”); Fed. R. Civ. P. 72(b)(3) (“The district judge must determine de novo any
26 part of the magistrate judge’s disposition that has been properly objected to.”). The Court
27 has nonetheless reviewed the R&R and finds that it is well-taken. The Court will accept
28 the R&R in its entirety. *See* 28 U.S.C. § 636(b)(1) (stating that the district court “may

1 accept, reject, or modify, in whole or in part, the findings or recommendations made by the
2 magistrate"); Fed. R. Civ. P. 72(b)(3) ("The district judge may accept, reject, or modify the
3 recommended disposition; receive further evidence; or return the matter to the magistrate
4 judge with instructions.").

5 **IT IS ORDERED** that the R&R (Doc. 21) is **ACCEPTED**.

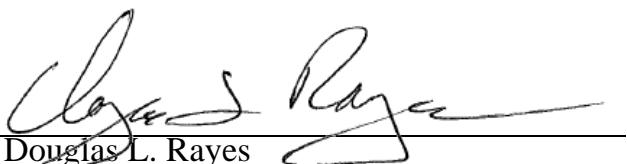
6 **IT IS FURTHER ORDERED** Petitioner's amended petition (Doc. 7) is **DENIED**
7 and **DISMISSED WITH PREJUDICE**.

8 **IT IS FURTHER ORDERED** a Certificate of Appealability and leave to proceed
9 in forma pauperis on appeal are **DENIED** because dismissal of the Amended Petition is
10 justified by a plain procedural bar and jurists of reason would not find the procedural ruling
11 debatable.

12 **IT IS FURTHER ORDERED** directing the Clerk of the Court to enter judgment
13 accordingly and terminate this case.

14 Dated this 18th day of April, 2025.

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Douglas L. Rayes
Senior United States District Judge